

Notice of Allowability

Application No.

09/435,168

Examiner

F. Ryan Zeender

Applicant(s)

MURALIDHAR, SANJAY P.

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication received 6/16/2006.
2. ☒ The allowed claim(s) is/are 67-69,71,72 and 75.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>8/23/2006</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet</u> . |

Continuation of Attachment(s) 9. Other: Examiner's statement of acceptable drawings.

DRAWINGS

The drawings filed 11/5/1999 are accepted by the Examiner.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview and facsimile transmission with Mr. Steven Underwood on 8/23/2006.

The application has been amended as follows:

Claims 25, 39-62, 66, and 70 were cancelled.

In claim 67, line 6, the language, "regarding an offer for contingent rights" was changed to --regarding an offer to sell contingent rights--.

In claim 67, line 11, the language, "distributing said contingent rights" was changed to --selling, either as a principal or on behalf of a third party, said contingent rights--.

In claim 69, last line, the language, "an acceptance of said offer" was changed to --an acceptance of said offer; whereby said transferable right to purchase is sold pursuant to said acceptance of said offer--.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art, Walker et al. (US 5,797,127), discloses a method for determining a price of an option to purchase an airline ticket, and for facilitating the sale and exercise of those options.

Re independent claim 67: Walker et al lack the teaching of an offer to sell contingent rights whereby the contingent rights provide a right to purchase access to a future event upon the occurrence of a future outcome that is uncertain at the time of the offer.

Re independent claim 69: Walker et al lack the teaching of selling a transferable right to purchase one or more tickets to a sporting event, wherein the right to purchase becomes executable only if one or more specified potential participants qualify for the sporting event.

The limitation(s) lacking in the prior art, in combination with the other limitations clearly claimed in the application, are novel and unobvious.

The prior art web page, <http://web.archive.org/web/19991008201119/pages.ebay.com/aw/misc-index.html>, teaches an e-commerce site whereby sporting event tickets are sold.

Re independent claim 67: The web page lacks the teaching of an offer to sell contingent rights whereby the contingent rights provide a right to purchase access to a future event upon the occurrence of a future outcome that is uncertain at the time of the offer.

Re independent claim 69: The web page lacks the teaching of selling a transferable right to purchase one or more tickets to a sporting event, wherein the right to purchase becomes executable only if one or more specified potential participants qualify for the sporting event.

The limitation(s) lacking in the prior art, in combination with the other limitations clearly claimed in the application, are novel and unobvious.

The foreign prior art document, WO94/28496, teaches a method for dealing with the management of risk relating to specified, yet unknown, future events.

Re independent claim 67: WO94/28496 lacks the teaching of an offer to sell contingent rights whereby the contingent rights provide a right to purchase access to a future event upon the occurrence of a future outcome that is uncertain at the time of the offer, whereby the future event is an event at which spectators pay to view activities and that have restricted attendance for a fee.

Re independent claim 69: WO94/28496 lacks the teaching of selling a transferable right to purchase one or more tickets to a sporting event, wherein the right to purchase becomes executable only if one or more specified potential participants qualify for the sporting event.

The limitation(s) lacking in the prior art, in combination with the other limitations clearly claimed in the application, are novel and unobvious.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

F. Zeender
September 1, 2006


F. RYAN ZEENDER
PRIMARY EXAMINER